IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 11TH DECEMBER 2007 / 20TH AGRAHAYANA 1929

OP.No. 2196 of 2002(J)

PETITIONER:

SRI.HAMEED, S/O. YOUSEF,
KADAVIL HOUSE, KANNATHERI, THAIKKATTUKARA P.O.,
ALUVA.

BY ADV. SRI.P.M.POULOSE

RESPONDENTS:
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1. THE STATE OF KERALA, REP. BY
ITS SECRETARY TO REGISTRATION DEPARTMENT,
GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DISTRICT REGISTRAR (GENERAL)
ERNAKULAM, COCHIN-16.

3. THE DEPUTY TAHASILDAR,(REVENUE RECOVERY)
ALUVA.

4. THE VILLAGE OFFICER,
ALUVA WEST VILLAGE, ALUVA.

BY SMT.SMITHA SUKUMAR, GOVERNMENT PLEADER

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 11/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.NO. 2196/2002

ORDER ON CMP NO.3896/2002 IN O.P.NO. 2196/2002

DISMISSED.

11/12/2007 SD/-(C.N.RAMACHANDRAN NAIR, JUDGE)

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF SALE DEED NO.159/96 DATED 11/01/96.

P1(a) : TYPED COPY OF EXT.P1.

P2 : COPY OF REVENUE RECOVERY NOTICE DATED 11/12/2001.

P3 : COPY OF REQUEST LETTER DATED 10/01/2002.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

O.P. No. 2196 of 2002

Dated, this the 11th day of December, 2007

J U D G M E N T

Petitioner is challenging recovery proceedings for recovery of differential stamp duty which amounts to Rs.4,800/-. According to the petitioner, petitioner was not served copy of the adjudication order and consequently petitioner was disabled from filing statutory appeal. Even though this original petition is pending for the last five years, adjudication order is not produced in Court. Obviously, adjudication is an exparte one and since the matter is pending for over five years in this Court, I feel petitioner can be given an opportunity to file objection before the 2nd respondent, so that proper adjudication order is issued, which the petitioner can either accept by making payment or file appeal, if he has grievance. This original petition is, accordingly, disposed of directing the petitioner to approach the 2nd respondent with written objection treating the demand as provisional. 2nd respondent is directed to hear the petitioner and pass adjudication order and serve copy on petitioner in his new address. 2nd respondent is directed to pass fresh orders within a period of two months from now. As and when fresh orders are issued, he will recall the earlier order. However, if petitioner

does not file objection along with copy of this judgment before the 2nd respondent within a period of one month from now, 2nd respondent will intimate the same to the recovery authority to proceed for recovery as per the present order.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg